

"Sec. 5. (a) A solicitation for a public works contract must require each contractor that submits a bid for the work to submit with the bid a written plan for a program to test the contractor's employees for drugs.

(b) A public works contract may not be awarded to a contractor whose bid does not include a written plan for an employee drug testing program that complies with this chapter.

(c) A contractor that is subject to a collective bargaining agreement shall be treated as having an employee drug testing program that complies with this chapter if the collective bargaining agreement establishes an employee drug testing program that includes the following:

(1) The program provides for the random testing of the contractor's employees.

(2) The program contains a five (5) drug panel that tests for the substances identified in section 6(a)(3) of this chapter.

(3) The program imposes disciplinary measures on an employee who fails a drug test. The disciplinary measures must include at a minimum, all the following:

(A) The employee is subject to suspension or immediate termination.

(B) The employee is not eligible for reinstatement until the employee tests negative on a five (5) drug panel test certified by a medical review officer.

(C) The employee is subject to unscheduled sporadic testing for at least one (1) year after reinstatement.

(D) The employee successfully completes a rehabilitation program recommended by a substance abuse professional if the employee fails more than one (1) drug test.

A copy of the relevant part of the collective bargaining agreement constitutes a written plan under this section."

Page 4, line 42, delete "(92000 ng/ml)." and insert "**(2000 ng/ml).**".

Page 6, delete lines 13 through 22, begin a new paragraph and insert:

"SECTION 3. IC 4-13.6-3-3, AS AMENDED BY SEA 247-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

(1) The ~~chief engineer~~ director of engineering of the department of natural resources.

(2) The director.

(3) The building law compliance officer of the department of homeland security.

(b) The board shall administer IC 4-13.6-4."

(Reference is to ESB 359 as reprinted February 28, 2006.)